

## **REMARKS-General**

It is noted that both of the Cited References are From a Different Field, namely the field of internet-based shopping cart programs, where the application of the disclosed methods is to the purchase of goods and services. The present invention discloses methods for the management of server resources. The use of these resources may be purchased or not as the case may be, but there is a fundamental Omission of Element in that a payment step is not required. Indeed, the present invention is partially Contrarian to the cited references in that it can apportion resources by simple rationing. It extends the prior art by eliminating a requirement for a traditional server database indexed by account to manage access to those resources (although it is compatible with such a traditional server database).

The phrase "client state information" in the original claims was intended to refer to data concerned with client's utilization of server resources, as disclosed in the Specification. However, in light of the citation of Montulli ('242) where "state information" is apparently construed to include intrinsic "cookie" state such as domain and time validity, the phrase "client state information" has been replaced by the more specific "client-stored server resource utilization information" everywhere.

With respect to the First Action on the Merits, item 1: claims 6, 9 and 10 have been amended so that they only depend on claims 1, 2 and 3.

With respect to the First Action on the Merits, item 3: the upper case letters have been changed to lowercase and the claims modified to read as a single sentence.

With respect to the First Action on the Merits, item 6, claim 2: it would appear that the crux of the objection is that the phrase "client state information" could be construed to apply to "cookie" domain and path (Montulli '242 col 8 lines 40-62). All claims have been amended to clarify what was meant by "client state information", as discussed above, and therefore this objection should be overcome. It was readily conceded that the entire cookie mechanism itself is part of the prior art, as disclosed in the application references. It should also be noted that the reference to col 7, lines 6-11 is actually part of Montulli's discussion of the prior art ("Browsing the World Wide Web").

With respect to the First Action on the Merits, item 6, claim 8: As above, the existence of the cookie mechanism as prior art is conceded. The critical element of claim 8, therefore, is b-iii ("for updating server usage information in said state object and verifying the update has been accepted by client before client's request to transmit certain files or execute certain processes is fulfilled.") The example and claimed use of cookies in Montulli ('242) is for saving product information (i.e. a "virtual shopping basket") (col 12, line 34 - col 13, line 24), not server usage information, so this is likely a Misunderstood Reference. Moreover, Montulli does not teach server validation of cookie contents (as opposed to attributes such as domain, path and expiration), and, in fact, in Montulli, the evaluation of cookie validity with respect to domain, path and expiration is

a client responsibility (col. 9 lines 53-63) Regardless, the modification to the claims to clarify the stored cookie state data as "server resource utilization information" should overcome this objection.

With respect to the First Action on the Merits, item 7, claim 1 (also 3,7): The modification to the claims to clarify cookie state data as "client-stored server resource utilization information" should remove Montulli as relevant prior art and therefore overcome the objections to claim 1, 3 and 7.

Payne et al. ('314) discloses four computers: buyer, merchant, payment, and creation, with forwarding of URLs among them and use of timestamps and cryptographic signatures for validation. However, in Payne "product fulfillment item" purchases (product identifiers or e-service products) are recorded in a "Settlement database" located on the payment computer, not the client. This is similar to Montulli ('242) Although the analogy is inexact, and continuing with the "pay in advance" analogy introduced earlier, an object of the present invention was to allow the storing of "credits" on the client. Novel methods are disclosed to prevent the user of a client from abusing this trust. In some embodiments said credits may well be stored with identifying product information or named in such a way as to be limited to a subset of available services, in other embodiments the credits may be freely applicable to all available services. In the latter condition, no product information would be stored on the client, in contradiction to Montulli ('242).

With respect to the First Action on the Merits, item 7, claim 3: As before in 7.1, the modification to the claims should remove Montulli from the objection to claim 3 and the requirement in Payne ('314) for a server "settlement database" teaches away from the present invention. Additionally, although Payne ('314) discloses the forwarding of URLs with and without a flag indicating an existing account, there is a requirement for users with accounts to login to access their account, something not required for the present invention specifically because the necessary information is already located in the relative privacy of the user's own computer.

With respect to the First Action on the Merits, item 7, claim 4: This claim depends for its novelty on claims 1, 2 and 3.

With respect to the First Action on the Merits, item 7, claim 5: The cited Payne ('314) reference col. 6 lines 50-58 regards checking account information for correctness and voiding inaccurate or otherwise unapproved access. The point of claim 5 is to restore "credits" back to the client-stored resource utilization information, since said credits were debited in advance of the performance of a service and if said service was not successfully completed it is only fair to refund said credits. I do not believe either Montulli or Payne address the issue of credits for a failed service. This is likely a Misunderstood Reference.

With respect to the First Action on the Merits, item 7, claim 7: As before in 7.1, the modification to the claims should remove Montulli from the objection to claim 7. With

respect to Payne, any requested state information in the present information is not a request for user input as per Payne col. 6 lines 10-29.

Time may be measured in money, but one will not substitute for the other under the Doctrine of Equivalents.

**Conclusion:**

We hold that the present application Solves a Different Problem from any of the references attached in the office action and moreover that the field is a Crowded Art in which the methods disclosed are a significant advance over what came before. In particular, the problems of client-stored resource utilization data for client-server systems is a New Principle of Operation for such systems.

We also hold that the cited references, From a Different Field, also Teach Away from the present invention, even in an extended analogous sense, to the extent that "accounting of resource utilization" analogizes to "money", since the cited references do not store such information on the client, a principal object of the present invention.

**Conditional Request for Constructive Assistance:**

The applicant has amended the Background and the Claims so that they are proper, definite and define novel methods which are also unobvious. If, for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestion of the Examiner pursuant to M.P.E.P. S2173.02 and S707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,

Christian S. Rode, Applicant Pro Se  
2412 Stearns Hill Rd.  
Waltham, MA 02451  
Tel. 781-899-4322 Fax (same, but call first)